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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

RUEL HERNANDEZ  
219 Palmetto Drive, A  
Alhambra, CA 91801

Physical Therapist License No. PT 27335

Respondent.

Case No. 1D 2006 64535

OAH No. 2007060650

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
above-entitled proceedings that the following matters are true:

**PARTIES**

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical  
Therapy Board of California. He brought this action solely in his official capacity and is  
represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
by Edward K. Kim, Deputy Attorney General.

2. Ruel Hernandez (Respondent) is represented in this proceeding by attorney  
Jerry Kaplan, whose address is Kaplan, Kenegos & Kadin, 9150 Wilshire Blvd., Suite 175,  
Beverly Hills, Calif. 90212.

3. On or about June 14, 2002, the Physical Therapy Board of California  
issued Physical Therapist License No. PT 27335 to Ruel Hernandez (Respondent). The Physical

1 Therapist License was in full force and effect at all times relevant to the charges brought in  
2 Accusation No. 1D 2006 64535 and will expire on January 31, 2008, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1D 2006 64535 was filed before the Physical Therapy  
5 Board of California (Board) , Department of Consumer Affairs, and is currently pending against  
6 Respondent. The Accusation and all other statutorily required documents were properly served  
7 on Respondent on March 13, 2007. Respondent filed his Notice of Defense contesting the  
8 Accusation. A copy of Accusation No. 1D 2006 64535 is attached as exhibit A and incorporated  
9 herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, discussed with counsel, and fully  
12 understands the charges and allegations in Accusation No. 1D 2006 64535. Respondent has also  
13 carefully read, discussed with counsel, and fully understands the effects of this Stipulated  
14 Settlement and Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the  
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
17 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
18 the right to present evidence and to testify on his own behalf; the right to the issuance of  
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
20 reconsideration and court review of an adverse decision; and all other rights accorded by the  
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
23 each and every right set forth above.

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in  
26 Accusation No. 1D 2006 64535.

27 9. Respondent agrees that his Physical Therapist License is subject to  
28 discipline and he agrees to be bound by the Physical Therapy Board of California (Board) 's

1 imposition of discipline as set forth in the Disciplinary Order below.

2 CIRCUMSTANCES IN MITIGATION

3 10. Respondent Ruel Hernandez has never been the subject of any disciplinary  
4 action. He is admitting responsibility at an early stage in the proceedings.

5 RESERVATION

6 11. The admissions made by Respondent herein are only for the purposes of  
7 this proceeding, or any other proceedings in which the Physical Therapy Board of California or  
8 other professional licensing agency is involved, and shall not be admissible in any other criminal  
9 or civil proceeding.

10 CONTINGENCY

11 12. This stipulation shall be subject to approval by the Physical Therapy Board  
12 of California. Respondent understands and agrees that counsel for Complainant and the staff of  
13 the Physical Therapy Board of California may communicate directly with the Board regarding  
14 this stipulation and settlement, without notice to or participation by Respondent or his counsel.  
15 By signing the stipulation, Respondent understands and agrees that he may not withdraw his  
16 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon  
17 it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement  
18 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be  
19 inadmissible in any legal action between the parties, and the Board shall not be disqualified from  
20 further action by having considered this matter.

21 OTHER MATTERS

22 13. The parties understand and agree that facsimile copies of this Stipulated  
23 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
24 force and effect as the originals.

25 DISCIPLINARY ORDER

26 In consideration of the foregoing admissions and stipulations, the parties agree  
27 that the Board may, without further notice or formal proceeding, issue and enter the following  
28 Disciplinary Order:

1 IT IS HEREBY ORDERED that Physical Therapist License No. PT 27335 issued  
2 to Ruel Hernandez (Respondent) is revoked. However, the revocation is stayed and Respondent  
3 is placed on probation for three (3) years on the following terms and conditions.

4 1. LICENSE SUSPENSION As part of probation, respondent's license shall  
5 be suspended for seven (7) days beginning the effective date of this decision.

6 2. RESTRICTION OF PRACTICE - HOME CARE The respondent shall  
7 not provide physical therapy services in a patient's home, provided that, notwithstanding the  
8 foregoing, respondent may in the sole discretion of the Physical Therapy Board of California,  
9 perform physical therapy services in a patient's home only under contract with the following  
10 health care facilities in connection with the care of patients of such facilities:

- 11 (a) Serenity Home Health Care, Inc.  
12 1149 South Grand Ave.  
13 Glendora, CA 91770  
(626) 914-8481
- 14 (b) Saint John's Home Health Care Services, Inc.  
15 2500 E. Foothill Blvd., Suite 102  
Pasadena, CA 91107  
(626) 795-3429
- 16 (c) Excel Care Home Health Services, Inc.  
17 222 North Mountain Ave., Suite 104  
Upland, CA 91786  
(909) 579-6688
- 18 (d) Alta Vista Health Services  
19 1840 North Hacienda Blvd., Suite 11  
La Puente, CA 91744  
20 (626) 918-2868
- 21 (e) Victoria Home Health Nursing Agency, Inc.  
22 8455 Beverly Blvd., Suite 302  
Los Angeles, CA 90048  
23 (323) 653-3830
- 24 (f) Multi Skilled Home Care Services  
25 19608 Camino De Rosa  
Walnut, CA 91789  
(909) 595-0200
- 26 (g) Tea Health Care Services, Inc.  
27 1433 W. Merced Ave., Suite 321  
West Covina, CA 91790  
28 (626) 962-7921

1                   3.     NOTIFICATION TO PATIENTS The respondent shall notify all current  
2 and potential patients, on a form provided by the board, that he is on probation and about any  
3 term or condition of probation which will affect their treatment or the confidentiality of their  
4 records (such as a condition for a professional practice monitor). Such notification shall be  
5 signed and dated by each patient prior to the commencement or continuation of any examination  
6 or treatment of each patient by the respondent and a copy of such notification shall be maintained  
7 in the patient's record.

8                   Failure to comply with any component of this condition as specified above  
9 is a violation of probation.

10                  4.     OBEY ALL LAWS Respondent shall obey all federal, state and local  
11 laws, and statutes and regulations governing the practice, inspections and reporting, of physical  
12 therapy in California and remain in full compliance with any court ordered criminal probation.

13                  5.     COMPLIANCE WITH ORDERS OF A COURT The respondent shall be  
14 in compliance with any valid order of a court. Being found in contempt of any court order is a  
15 violation of probation.

16                  6.     COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF  
17 RESTITUTION Respondent shall not violate any terms and conditions of criminal probation  
18 and shall be in compliance with any restitution ordered, payments or other orders.

19                  7.     QUARTERLY REPORTS Respondent shall submit quarterly  
20 declarations under penalty of perjury on forms provided by the Board, stating whether there has  
21 been compliance with all the conditions of probation.

22                  8.     PROBATION MONITORING PROGRAM COMPLIANCE Respondent  
23 shall comply with the Board's probation monitoring program.

24                  9.     INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent  
25 shall appear in person for interviews with the Board, or its designee, upon request at various  
26 intervals.

27                  10.    NOTIFICATION OF PROBATIONER STATUS TO EMPLOYERS The  
28 respondent shall notify all present or future employers of the reason for and the terms and

conditions of the probation by providing a copy of the Initial Probationary License, Statement of Issues, Accusation and the Decision and Order, or Stipulated Settlement to the employer, and submit written employer confirmation of receipt to the Board within 10 days. The notification(s) shall include the name, address and phone number of the employer, and, if different, the name, address and phone number of the work location.

11. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The respondent shall notify the Board, in writing, of any and all name and/or address changes within ten (10) days.

12. RESTRICTION OF PRACTICE - TEMPORARY SERVICES AGENCIES Except for the seven health care facilities listed in paragraph two above, the respondent shall not work for a temporary services agency or registry.

13. RESTRICTION OF PRACTICE - CLINICAL INSTRUCTOR OF PHYSICAL THERAPY STUDENT INTERNS OR FOREIGN EDUCATED PHYSICAL THERAPIST LICENSE APPLICANTS PROHIBITED Respondent shall not supervise any physical therapy student interns or foreign educated physical therapist license applicants during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

14. PROHIBITED USE OF ALIASES Respondent may not use aliases and shall be prohibited from using any name which is not his legally-recognized name or based upon a legal change of name.

15. INTERMITTENT WORK If the respondent works less than 192 hours as a physical therapist or a physical therapist assistant in the physical therapy profession in a period of three months, those months shall not be counted toward satisfaction of the probationary period. The respondent shall notify the Board if he works less than 192 hours in a three month period.

16. TOLLING OF PROBATION The period of probation shall run only during the time respondent is practicing or performing physical therapy within California. If, during probation, respondent does not practice or perform within California, respondent is

1 required to immediately notify the probation monitor in writing of the date that respondent is  
2 practicing or performing physical therapy out of state, and the date of return, if any. Practicing or  
3 performing physical therapy by the respondent in California prior to notification to the Board of  
4 the respondent's return will not be credited toward completion of probation. Any order for  
5 payment of cost recovery shall remain in effect whether or not probation is tolled.

6           17.    VIOLATION OF PROBATION If respondent violates probation in any  
7 respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke  
8 probation and carry out the disciplinary order that was stayed. If an accusation or petition to  
9 revoke probation is filed against respondent during probation, the Board shall have continuing  
10 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
11 is final.

12           18.    REQUEST TO SURRENDER LICENSE DUE TO RETIREMENT,  
13 HEALTH OR OTHER REASONS Following the effective date of this probation, if respondent  
14 ceases practicing or performing physical therapy due to retirement, health or other reasons or is  
15 otherwise unable to satisfy the terms and conditions of probation, respondent may request to  
16 surrender his license to the Board. The Board reserves the right to evaluate the respondent's  
17 request and to exercise its discretion whether to grant the request or to take any other action  
18 deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the  
19 tendered license, the terms and conditions of probation shall be tolled until such time as the  
20 license is no longer renewable, the respondent makes application for the renewal of the tendered  
21 license or makes application for a new license.

22           19.    COMPLETION OF PROBATION Upon successful completion of  
23 probation, respondent's license shall be fully restored.

24           20.    CALIFORNIA LAW EXAMINATION - WRITTEN EXAM ON THE  
25 LAWS AND REGULATIONS GOVERNING THE PRACTICE OR PERFORMANCE OF  
26 PHYSICAL THERAPY Within 90 days of the effective date of this decision, respondent shall  
27 take and pass the Board's written examination on the laws and regulations governing the practice  
28 of physical therapy in California. If respondent fails to pass the examination, respondent shall be

1 suspended from the practice of physical therapy until a repeat examination has been successfully  
2 passed.

3 21. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE  
4 ON PROBATION It is not contrary to the public interest for the respondent to practice and/or  
5 perform physical therapy under the probationary conditions specified in the disciplinary order.  
6 Accordingly, it is not the intent of the Board that this order, the fact that the respondent has been  
7 disciplined, or that the respondent is on probation, shall be used as the sole basis for any third  
8 party payer to remove respondent from any list of approved providers.

9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
11 have fully discussed it with my attorney, Jerry Kaplan. I understand the stipulation and the effect  
12 it will have on my Physical Therapist License. I enter into this Stipulated Settlement and  
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
14 Decision and Order of the Physical Therapy Board of California.

15 DATED: October 19, 2007.

17 Original Signed By:  
18 RUEL HERNANDEZ (Respondent)  
Respondent

19 I have read and fully discussed with Respondent Ruel Hernandez the terms and  
20 conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
21 Order. I approve its form and content.

22 DATED: October 19, 2007.

24 Original Signed By:  
25 JERRY KAPLAN  
Attorney for Respondent

26 ENDORSEMENT

27 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
28 submitted for consideration by the Physical Therapy Board of California of the Department of



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Consumer Affairs.

DATED: October 25, 2007

EDMUND G. BROWN JR., Attorney General  
of the State of California

PAUL C. AMENT  
Supervising Deputy Attorney General

Original Signed By:  
EDWARD K. KIM  
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2006502749  
Hernandez, Ruel (Stip. Settle).wpd

**Exhibit A**

**Accusation No. 1D 2006 64535**

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DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

RUEL HERNANDEZ

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Alhambra, Calif. 91801

Physical Therapist License No. PT 27335

Respondent.

Case No. 1D 2006 64535

OAH No. 2007060650

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on \_\_\_\_\_.

It is so ORDERED \_\_\_\_\_.

**FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS**